

**AMENDMENTS TO THE CLAIMS**

1. (Currently Amended) A tissue retractor and guide device, comprising:  
an elongate member having a proximal and distal portions, the distal portion including a surface adapted to retract tissue; and  
~~a guide member coupled to the distal portion of the elongate member and having at least one first and second pathways extending therethrough for receiving a tool and having a cut-out portion extending between the first and second pathways, the guide member being adapted to be positioned in relation to a spinal implant such that each of the at least one pathways in the guide member is aligned with at least one corresponding bore formed in the spinal implant to guide a tool through the bore and the cut-out portion provides visual access to the spinal implant.~~
2. (Original) The device of claim 1, wherein the guide member has a width that is equal to or less than a width of at least a portion of the distal portion of the elongate member such that the distal portion of the elongate member is effective to retract tissue disposed adjacent to the guide member.
3. (Original) The device of claim 1, wherein the guide member is adapted to be juxtaposed on the spinal implant.
4. (Original) The device of claim 1, wherein the surface on the distal portion of the elongate member is substantially planar.
5. (Original) The device of claim 1, wherein the guide member includes front and back opposed sidewalls, and opposed lateral sidewalls extending between the front and back sidewalls, the back sidewall of the guide member being coupled to the elongate member.
6. (Original) The device of claim 5, wherein the distal portion of the elongate member is positioned at an angle with respect to the back sidewall of the guide member.
7. (Cancelled).
8. (Currently Amended) The device of claim 7, wherein the pathways are positioned at an angle

with respect to one another.

9. (Cancelled).

10. (Currently Amended) The device of claim 9<sub>1</sub>, wherein a the cut-out portion is formed in the a front sidewall of the guide member between the two pathways.

11. (Original) The device of claim 10, wherein the cut-out portion extends from the proximal end to the distal end of the guide member.

12. (Currently Amended) The device of claim 9<sub>5</sub>, wherein the opposed lateral sidewalls of the guide member are substantially C-shaped.

13. (Currently Amended) The device of claim 5, further comprising at least one extension portion extending distally from the guide member and adapted to align the at least one first and second pathways in the guide member with the at least one corresponding bores formed in a spinal implant.

14. (Original) The device of claim 13, wherein the at least one extension portion comprises first and second tabs extending from the opposed lateral sidewalls of the guide member.

15. (Original) The device of claim 14, wherein each tab has a substantially concave inner surface that is adapted to be positioned against a substantially concave outer surface formed on a perimeter of a spinal implant.

16. (Original) The device of claim 13, wherein the at least one extension portion extends distally from the back sidewall of the guide member.

17. (Original) The device of claim 16, wherein the at least one extension portion is formed on the distal portion of the elongate member and it extends a distance beyond a distal-most end of the guide member.

18. (Original) The device of claim 16, wherein a distal-most surface of the extension portion is

substantially concave to match the contour of a vertebral body.

19-26. (Cancelled)

27. (Original) The device of claim 1, wherein the proximal portion of the elongate member is positioned at an angle with respect to the distal portion of the elongate member.

28. (Original) The device of claim 27, wherein the angle is in the range of about 110° to 160°.

29. (Original) The device of claim 1, wherein the proximal portion of the guide member includes a clamp member adapted to mate to an external support.

30. (Original) The device of claim 1, wherein the proximal portion of the guide member includes a post adapted to attach to a clamp member on an external support.

31. (Currently Amended) A tissue retractor and guide device, comprising:  
an elongate member having a proximal portion and a distal portion that is adapted to retract tissue; and

a guide member coupled to the distal portion of the elongate member and adapted to be juxtaposed on a spinal implant, the guide member including at least one pathway extending therethrough for receiving a tool, and at least one cut-out portion formed therein and in a front sidewall of the guide member adapted to provide visual access to the spinal implant.

32. (Original) The device of claim 31, wherein the guide member includes front and back opposed sidewalls, and opposed lateral sidewalls extending between the front and back sidewalls, the back sidewall of the guide member being coupled to the elongate member.

33. (Original) The device of claim 32, wherein the guide member includes two pathways extending therethrough.

34. (Currently Amended) The device of claim 33, wherein the guide member includes a cut-out portion is formed in the front sidewall between the two pathways.

35. (Original) The device of claim 34, wherein the cut-out portion extends between the proximal and distal ends of the guide member.

36. (Original) The device of claim 32, wherein the opposed lateral sidewalls of the guide member are substantially C-shaped.

37. (Currently Amended) A tissue retractor and guide kit, comprising:

at least one first and second tissue retractor and guide devices adapted to couple to a spinal implant, the at least one first and second devices having

a guide member having opposed front and back sidewalls, opposed lateral sidewalls extending between the front and back sidewalls, and at least one pathway formed therein for receiving a tool, and

an elongate member having a proximal, handle portion, and a distal, tissue-retracting portion coupled to the back sidewall of the guide member; and

a cross member adapted to removably connect to the first and second two tissue retractor and guide devices.

38. (Original) The kit of claim 37, wherein the cross member comprises a substantially rectangular housing.

39. (Original) The kit of claim 37, wherein the cross member comprises an elongate rod having opposed ends, each end being adapted to a removably mate to a tissue retractor and guide device.

40. (Currently Amended) A spinal fixation kit, comprising:

a spinal fixation plate having

a superior portion with at least one bore formed therein for receiving a fixation device effective to mate the superior portion to a first vertebrae, and

an inferior portion with at least one bore formed therein for receiving a fixation device effective to mate the inferior portion to a second, adjacent vertebrae; and

at least one tissue retractor and guide device adapted to be juxtaposed on the spinal fixation plate, the at least one tissue retractor and guide device having

a guide member having opposed front and back sidewalls, opposed lateral sidewalls extending between the front and back sidewalls, and ~~at least one~~ first and second pathways formed therein for receiving a tool, at least a portion of the first and second pathways being in communication with one another, and

an elongate member having a proximal, handle portion, and a distal, tissue-retracting portion coupled to the back sidewall of the guide member;

wherein the at least one pathway in the guide member is aligned with a bore formed in the spinal fixation plate when the guide member is juxtapositioned on the spinal fixation plate.

41. (Currently Amended) The kit of claim 40, wherein the ~~guide member includes two~~ first and second pathways ~~extending therethrough and are~~ adapted to be aligned with two adjacent bores formed in at least one of the superior portion and the inferior portion of the spinal fixation plate.

42. (Original) The kit of claim 41, wherein the pathways are positioned at an angle with respect to one another.

43. (Original) The kit of claim 41, further comprising at least one cut-out portion formed in the guide member and adapted to provide visual access to a spinal implant coupled thereto.

44. (Currently Amended) The kit of claim 43 ~~40~~, wherein the guide member includes a cut-out portion formed in the front sidewall between the ~~two~~ first and second pathways.

45. (Original) The kit of claim 44, wherein the cut-out portion extends between the proximal and distal ends of the guide member.

46. (Original) The kit of claim 44, wherein the opposed lateral sidewalls of the guide member are substantially C-shaped.

47. (Currently Amended) The kit of claim 41, further comprising first and second tabs extending distally from a distal-most end of the guide member, the tabs being adapted to align the ~~at least one~~ pathways in the guide member with the ~~at least one~~ bores formed in the spinal fixation plate.

48. (Original) The kit of claim 47, wherein the first and second tabs extend from the back sidewall of the guide member.

49. (Original) The kit of claim 47, wherein each tab has a substantially concave inner surface that is adapted to be positioned against a substantially concave outer surface formed on a perimeter of a spinal fixation plate.

50. (Original) The kit of claim 47, wherein a distal-most surface of each tab is substantially concave to match the contour of a vertebral body.

51. (Original) The kit of claim 40, wherein a distal-most end of the elongate member extends a distance beyond a distal-most end of the guide member to form an extension portion, the extension portion being adapted to rest against a perimeter of the spinal fixation plate to align the guide member with the spinal fixation plate.

52. (Original) The kit of claim 40, wherein a distal end of the guide member has at least one mating element formed thereon and adapted to mate with a corresponding mating element formed on the spinal fixation plate.

53. (Original) The kit of claim 52, wherein the at least one mating element has a shape that is adapted to prevent rotation of the guide member with respect to the spinal fixation plate when the guide member is positioned on the spinal fixation plate.

54. (Original) The kit of claim 40, wherein the superior and inferior portions of the spinal fixation plate are slidably movable with respect to each other between a retracted position and an extended position.

55. (Original) The kit of claim 54, further comprising a cross member effective to mate two tissue retractor guide devices to one another, and to maintain the spinal fixation plate in the extended position when the devices are mated to the superior and inferior portions of the spinal fixation plate.